

HOUSE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1868

AN ACT

To amend chapter 67, RSMo, by adding thereto
twelve new sections relating to the creation
of a regional taxicab commission.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

Section A. Chapter 67, RSMo, is amended by adding thereto
twelve new sections, to be known as sections 67.1800, 67.1802,
67.1804, 67.1806, 67.1808, 67.1810, 67.1812, 67.1814, 67.1816,
67.1818, 67.1820 and 67.1822, to read as follows:

67.1800. As used in sections 67.1800 to 67.1822, the
following terms mean:

(1) "Airport authority", an entity established by city
ordinance regarding governance of the airport with
representatives appointed by the chief executives of the city,
county, and other approximate counties within the region;

(2) "Airport", Lambert-St. Louis International Airport and
any other airport located within the district and designated by a
chief executive;

(3) "Airport taxicab", a taxicab which picks up passengers

1 for hire at the airport, transports them to places they designate
2 by no regular specific route, and the charge is made on the basis
3 of distance traveled as indicated by the taximeter;

4 (4) "Chief executive", the mayor of the city and the county
5 executive of the county;

6 (5) "City", a city not within a county;

7 (6) "Commission", the regional taxicab commission created
8 in section 67.1804;

9 (7) "County", a county with a charter form of government
10 and with more than one million inhabitants;

11 (8) "District", the geographical area encompassed by the
12 regional taxicab commission;

13 (9) "Driver", an individual operator of a motor vehicle and
14 may be an employee or independent contractor;

15 (10) "Hotel and restaurant industry", the group of
16 enterprises actively engaged in the business of operating lodging
17 and dining facilities for transient guests;

18 (11) "Municipality", a city, town, or village which has
19 been incorporated in accordance with the laws of the state of
20 Missouri;

21 (12) "On-call/reserve taxicab", any motor vehicle or
22 nonmotorized carriage engaged in the business of carrying persons
23 for hire on the streets of the district, whether the same is
24 hailed on the streets by a passenger or is operated from a street

1 stand, from a garage on a regular route, or between fixed termini
2 on a schedule, and where no regular or specific route is
3 traveled, passengers are taken to and from such places as they
4 designate, and the charge is made on the basis of distance
5 traveled as indicated by a taximeter;

6 (13) "Premium sedan", any motor vehicle engaged in the
7 business of carrying persons for hire on the streets of the
8 district which seats a total of five or less passengers in
9 addition to a driver and which carries in each vehicle a manifest
10 or trip ticket containing the name and pickup address of the
11 passenger or passengers who have arranged for the use of the
12 vehicle, and the charge is a prearranged fixed contract price
13 quoted for transportation between termini selected by the
14 passenger;

15 (14) "Taxicab", airport taxicabs, on-call/reserve taxicabs
16 and premium sedans referred to collectively as taxicabs;

17 (15) "Taxicab company", the use of one or more taxicabs
18 operated as a business carrying persons for hire;

19 (16) "Taximeter", a meter instrument or device attached to
20 an on-call taxicab or airport taxicab which measures mechanically
21 or electronically the distance driven and the waiting time upon
22 which the fare is based.

23 67.1802. There is hereby established a "Regional Taxicab
24 District", with boundaries which shall encompass any city not

1 within a county and any county with a charter form of government
2 and with more than one million inhabitants, including all
3 incorporated municipalities located within such county.

4 67.1804. For the regional taxicab district, there is hereby
5 established a "Regional Taxicab Commission", which shall be a
6 body politic and corporate vested with all the powers expressly
7 granted to it herein and created for the public purposes of
8 recognizing taxicab service as a public transportation system,
9 improving the quality of the system, and exercising primary
10 authority over the provision of licensing, control and
11 regulations of taxicab services within the district.

12 67.1806. 1. The regional taxicab commission shall consist
13 of a chairperson plus eight members, four of whom shall be
14 appointed by the chief executive of the city, and four of whom
15 shall be appointed by the chief executive of the county. Of the
16 eight members first appointed, one city appointee and one county
17 appointee shall be appointed to a four-year term, two city
18 appointees and two county appointees shall be appointed to a
19 three-year term, and one city appointee and one county appointee
20 shall be appointed to a one-year term. Members appointed after
21 the expiration of these initial terms shall serve a four-year
22 term. The chief executive officer of the city and the chief
23 executive officer of the county shall alternately appoint a
24 chairperson who shall serve a term of three years. The

1 respective chief executive who appoints the members of the
2 commission shall appoint members to fill unexpired terms
3 resulting from any vacancy of a person appointed by that chief
4 executive. All members and the chairperson must reside within
5 the district while serving as a member. All members shall serve
6 without compensation. Nothing shall prohibit a representative of
7 the taxicab industry from being chairperson.

8 2. In making the eight appointments set forth in subsection
9 1 of this section, the chief executive officer of the city and
10 the chief executive officer of the county shall collectively
11 select four representatives of the taxicab industry. Such four
12 representatives of the taxicab industry shall include at least
13 one from each of the following:

14 (1) An owner or designated assignee of a taxicab company
15 which holds at least one but no more than one hundred taxicab
16 licenses;

17 (2) An owner or designated assignee of a taxicab company
18 which holds at least one hundred one taxicab licenses or more;

19 (3) A taxicab driver, excluding any employee or independent
20 contractor of a company currently represented on the commission.

21 The remaining five commission members shall be designated "at
22 large" and shall not be a representative of the taxicab industry
23 or be the spouse of any such person nor be an individual who has

1 a direct material or financial interest in such industry. If any
2 representative of the taxicab industry resigns or is otherwise
3 unable to serve out the term for which such representative was
4 appointed, a similarly situated representative of the taxicab
5 industry shall be appointed to complete the specified term.

6 67.1808. The regional taxicab commission is empowered to:

7 (1) Develop and implement plans, policies, and programs to
8 improve the quality of taxicab service and encourage minority
9 participation within the district;

10 (2) Cooperate and collaborate with the hotel and restaurant
11 industry to:

12 (a) Restrict the activities of those doormen employed by
13 hotels and restaurants who accept payment from taxicab drivers or
14 taxicab companies in exchange for the doormen's assistance in
15 obtaining passengers for such taxicab drivers and companies; and

16 (b) Obtain the adherence of hotel shuttle vehicles to the
17 requirement that they operate solely on scheduled trips between
18 fixed termini and shall have authority to create guidelines for
19 hotel and commercial shuttles;

20 (3) Cooperate and collaborate with other governmental
21 entities, including the government of the United States, this
22 state, and political subdivisions of this and other states;

23 (4) Cooperate and collaborate with governmental entities
24 whose boundaries adjoin those of the district to assure that any

1 taxicab or taxicab company neither licensed by the commission nor
2 officed within its boundaries shall nonetheless be subject to
3 those aspects of the taxicab code applicable to taxicabs
4 operating within the district's boundaries;

5 (5) Contract with any public or private agency, individual,
6 partnership, association, corporation or other entity, consistent
7 with law, for the provision of services necessary to improve the
8 quality of taxicab service within the district;

9 (6) Accept grants and donations from public or private
10 entities for the purpose of improving the quality of taxicab
11 service within the district;

12 (7) Execute contracts, sue, and be sued;

13 (8) Adopt a taxicab code to license and regulate taxicab
14 companies and individual taxicabs within the district consistent
15 with existing ordinances, and to provide for the enforcement of
16 such code for the purpose of improving the quality of taxicab
17 service within the district;

18 (9) Collect reasonable fees in an amount sufficient to fund
19 the commission's licensing, regulatory, inspection, and
20 enforcement functions; except that, for the first year after the
21 regional taxicab commission's taxicab code becomes effective, any
22 increase in fees shall not exceed twenty percent of the total
23 fees collected and for subsequent years, the fees may be adjusted
24 annually based on the rate of inflation according to the Consumer

1 Price Index; and

2 (10) Establish accounts with appropriate banking
3 institutions, borrow money, buy, sell, or lease property for the
4 necessary functions of the commission.

5 67.1810. 1. To implement internally the powers which it
6 has been granted, the commission shall:

7 (1) Elect its own vice chair, secretary, and such other
8 officers as it deems necessary, make such rules as are necessary
9 and consistent with the commission's powers;

10 (2) Provide for the expenditure of funds necessary for the
11 proper administration of the commission's assigned duties;

12 (3) Convene monthly meetings of the entire commission or
13 more often if deemed necessary by the commission members;

14 (4) Make decisions by affirmative vote of the majority of
15 the commission; provided that each of the commissioners,
16 including the chairperson, shall be entitled to one vote on each
17 matter presented for vote and provided further that at least two
18 city appointees and two county appointees, excluding the
19 chairperson, must be included in each majority vote of the
20 commission.

21 2. The commission shall not exceed or expend moneys in
22 excess of any fees collected and any moneys provided to the
23 commission pursuant to section 67.1820.

24 67.1812. Following the appointment of the commissioners,

1 the regional taxicab commission shall meet for the purpose of
2 establishing and adopting a district-wide taxicab code. In
3 promulgating the taxicab code, the commission shall seek, to the
4 extent reasonably practical, to preserve within the code
5 provisions similar to those contained in chapter 8.98 of the
6 city's municipal ordinance and chapter 806 of the county
7 ordinances, both relating to taxicab issues such as licensing,
8 regulation, inspection, and enforcement while avoiding
9 unnecessary overlaps or inconsistencies between the ordinances.
10 The commission shall present a draft of its district-wide taxicab
11 code at public hearings, one of which will be held in the city
12 and another in the county, following prior public notice of same.
13 Notice of the public hearing shall be given by publication at
14 least twice, the first publication to be not more than thirty
15 days and the second publication to be not more than ten days
16 prior to each hearing in a newspaper of general circulation in
17 the city and county. The commission shall adopt its taxicab code
18 no later than one hundred eighty days after the appointment of
19 the initial commission members. The commission shall have the
20 power to amend the taxicab code from time to time following the
21 initial adoption without the requirement of public notice or
22 hearings.

23 67.1814. The commission shall further seek the input of the
24 city, county, and airport authority generally regarding the

1 taxicab code and, in particularly with reference to airport
2 taxicabs, shall seek to ensure:

3 (1) Continuous, smooth airport service during any
4 transition period from the current city and county operation to
5 the new regional taxicab commission;

6 (2) The need of the airport authority to provide services
7 at the airport's passenger terminals; and

8 (3) Airport authority involvement as to the servicing of
9 the airport by airport taxicabs.

10 The commission shall not regulate the airport or airport taxicabs
11 as to cab parking, circulation, cab stands, or passenger loading
12 at the airport, or the payment by airport taxicabs for use of the
13 airport or its facilities.

14 67.1816. The city and county's ordinances relating to
15 taxicabs shall remain in full force and effect and be enforced as
16 such by the city and county until one hundred twenty days after
17 the regional taxicab commission adopts its taxicab code, at which
18 time such city and county ordinances shall be deemed to be
19 rescinded as well as ordinances adopted by municipalities within
20 the county. Upon the effective date of the taxicab code:

21 (1) All licensing, regulations, inspections, inspections of
22 taxicabs, and enforcement of the taxicab code shall rest
23 exclusively with the regional taxicab commission;

1 (2) All taxicabs subject to the taxicab code shall be
2 required to comply fully with the taxicab code, notwithstanding
3 any previously issued licenses or certificates of convenience;

4 (3) All permits valid and effective as of August 28, 2002,
5 shall remain valid and effective until the date of expiration or
6 renewal of such permit; and

7 (4) All available taxicab licensing, inspection, and
8 related fees previously collected and remaining unspent by other
9 jurisdictions shall be immediately paid over the regional taxicab
10 commission for its future use in administering the taxicab code.

11 The provisions of this section notwithstanding, existing
12 municipal regulations relating to taxicab curb locations and curb
13 fees as well as local business licenses which do not seek to
14 regulate taxicab use shall not be preempted by the taxicab code
15 except by agreement between the commission and applicable
16 municipality.

17 67.1818. The commission shall establish as part of the
18 taxicab code its own internal, administrative procedure for
19 decisions involving the granting, denying, suspending, or
20 revoking of licenses. The commission shall study and take into
21 account rate and fee structures as well as the number of existing
22 taxicab licenses within the district in considering new
23 applications for such licenses. The internal procedures set

1 forth in the taxicab code shall allow appeals from license-
2 related decisions to be conducted by independent hearing
3 officers.

4 67.1820. The regional taxicab commission shall initially
5 establish, subject to public hearings thereon, an annual fee-
6 generated budget required for the effective implementation and
7 enforcement of the taxicab code, taking into account staffing
8 requirements and related expenses as well as all revenue sources,
9 including collection of fees previously paid to and unspent by
10 other enforcing jurisdictions and future fees projected to be
11 collected by the commission. Recognizing the elimination of
12 duties and costs associated with the regulatory and enforcement
13 functions of taxicab administration previously borne by the city
14 and county and being assumed by the commission, the city and
15 county shall have the authority to appropriate additional
16 budgetary funding for the commission's needs.

17 67.1822. 1. Before the second Monday in April of each
18 year, the regional taxicab commission shall make an annual report
19 to the chief executive officers and to the governing bodies of
20 the city and county stating the conditions of the commission as
21 of the first day of January of that year, and the sums of money
22 received and distributed by it during the preceding calendar
23 year.

24 2. Before the close of the regional taxicab commission's

1 first fiscal year and at the close of each fiscal year
2 thereafter, the chief executives of the city and the county shall
3 appoint one or more certified public accountants who shall
4 annually examine the books, papers, documents, accounts, and
5 vouchers of the commission, and who shall report thereon to the
6 chief executives of the city and the county and to the regional
7 taxicab commission. The commission shall produce and submit for
8 examination all books, papers, documents, accounts, and vouchers,
9 and shall in every way assist such certified public accountants
10 in the performance of their duties pursuant to this section.